

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 13810 of 2007(R)

PETITIONER:

**I.SUSHAMMA, L.D.CLERK,
DAIRY DEVELOPMENT UNIT,EROOR,
KOLLAM.**

**BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE**

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY,LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT OF KERALA,THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR,
DIARY DEVELOPMENT DEPARTMENT,
THIRUVANANTHAPURAM.**
- 3. THE ADMINISTRATIVE OFICER,
DIARY DEVELOPMENT DEPARTMENT,
THIRUVANANTHAPURAM.**
- 4. THE DEPUTY DIRECTOR,
DIARY DEVELOPMENT DEPARTMENT, KOLLAM.**

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03/07/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE TENTATIVE GRADATION LIST OF LD CLERKS IN DIARY DEVELOPMENT DEPARTMENT BY THE R3 DT. 15/12/2006.

EXT.P2. COPY OF THE GO P NO. 187/2000/LSGD DT. 4/7/00.

EXT.P3. COPY OF THE GO MS NO. 175/2005/LSGD DT. 17/6/2005.

EXT.P4. COPY OF THE ORDER NO. E.2. 9091/05 DT. 30/3/2007 BY THE R3.

True copy

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K.BALAKRISHNAN NAIR, J.

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Dated this the 3rd day of July, 2007.

JUDGMENT

The petitioner is a Lower Division Clerk, working in the Dairy Development Department. By Ext.P3 order dated 17.6.2005, the Government ordered to deploy 24 clerks from the Dairy Development Department, along with others from various departments, to the Department of Local Self Government. Pursuant to that order, the petitioner has been deployed as per Ext.P4 order dated 30.3.2007. This writ petition is filed challenging Ext.P4 on the ground that the petitioner is being transferred retaining three of her juniors, who are serial Nos.101, 102 and 103 in Ext.P1 seniority list of Lower Division Clerks in the department of Dairy Development as on 1.1.2006.

2. Learned Government Pleader, upon instructions, submitted that those three

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persons joined duty only by the end of November, 2005, before the issuance of Ext.P3. As on the date of Ext.P3, the petitioner and another were the junior most in the list of Kollam District and so, they were deployed.

3. This court, on 24.4.2007, passed an interim order stating that the deployment shall be strictly in accordance with seniority and if there are juniors to the petitioner at the present station, she shall not be deployed to any other station.

4. The petitioner submits that pursuant to the said interim order, she has not been deployed so far.

5. The deployment is made when the incumbents are surplus in the parent department and their services are required in the Local Self Government Department. Normally, juniors are to be deployed first. For deciding who are juniors, there must be a cut off date. Going by the date of Ext.P3, I

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find nothing illegal in the deployment of the petitioner. But, since the petitioner has not been deployed and three juniors of the petitioner are there in the Department in Kollam District, the competent authority among the respondents shall decide whether the petitioner should be deployed to the Department of Local Self Government now.

Writ petition is disposed of as above.

Sd/-

(K.BALAKRISHNAN NAIR)
JUDGE

sk/

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P.S. To Judge